

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LEV AVERBAKH,)	
)	
Plaintiff,)	
)	
v.)	No. 08 C 144
)	
MICHAEL CHERTOFF, SECRETARY OF)	
THE DEPARTMENT OF HOMELAND)	Judge Norgle
SECURITY, ET AL.,)	
)	
Defendant.)	

**UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE BRIEF CONCERNING SUBJECT MATTER JURISDICTION**

Federal defendants, by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, hereby file this motion to extend the time to file their brief concerning subject matter jurisdiction. In support, federal defendants submit the following:

1. On January 10, 2008, this court ordered the parties to file briefs regarding the issue of whether the court has subject matter jurisdiction over this case by February 22, 2008.
2. Due to an unexpected and extended illness, the Assistant U.S. Attorney assigned as counsel for federal defendants in this case has been absent from work and unable to timely complete the brief requested by the court.
3. On February 21, 2008, the assigned AUSA advised undersigned counsel of his belief that he will return to work and be able to complete the requested brief within fourteen (14) days.
4. On February 21, 2008, undersigned counsel explained the foregoing circumstances and was advised that plaintiff has no objection to the granting of this motion.

WHEREFORE, federal defendants request that this court extend the deadline for filing their brief concerning subject matter jurisdiction by fourteen (14) days, to and including March 7, 2008.

Respectfully submitted,

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United States Attorney

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CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that in accordance with FED. R. CIV. P. 5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following documents:

Notice of Motion

Unopposed Motion for Extension of Time to File Brief Concerning Subject Matter Jurisdiction

were served pursuant to the district court's ECF system as to ECF filers, if any, and were sent by first-class mail on February 21, 2008, to the following non-ECF filers:

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